

REMARKS

Applicant notes with appreciation the courtesies extended to the undersigned attorney during the telephonic interview on December 12, 2003, in which the *Sheldon et al.*, reference was discussed. No agreement was reached regarding the claims.

In the Action dated November 18, 2003, the Examiner has sustained his rejection of claims 1-31, under 35 U.S.C. § 102(e), as being anticipated by *Sheldon et al.*, United States Patent No. 6,072,486. That rejection is once again respectfully traversed.

The claims in the present application are directed to "a method and system for displaying icons within a data processing system having a display screen" by first: "determining a quantity of a plurality of icons to be displayed on a display screen of a data processing system", second "determining a designated area of said display screen for displaying said plurality of icons" and "automatically scaling each of said plurality of icons in response to said quantity of said plurality of icons and said designated areas such that said plurality of icons can be displayed in said designated area of said display screen."

In urging *Sheldon et al.* as in anticipating the claims of the present application, the Examiner first takes the position that *Sheldon et al.* indeed shows a method for displaying icons within a data processing system, but thereafter, urges that *Sheldon et al.* teach the determination of the quantity of a plurality of icons to be displayed on a display screen citing column 2, lines 30-42 and 49-66 and column 6, lines 43-55. Applicant respectfully urges the Examiner to consider that the cited portions of *Sheldon et al.* do not, in any way, suggest the determination of a quantity of icons to be displayed on a display screen. Rather, the cited portions of *Sheldon et al.* describe the method by which deskbar or deskband sites are displayed within a computer system. The term "icon" is a term of art in the computer arts and refers to a specific iconic

representation of an application, object or other computer manipulatable element and does not, in the opinion of the Applicant, refer to deskbands or deskbars as taught by *Sheldon et al.*

Further, the Examiner urges that *Sheldon et al.* teach the automatic scaling of those icons in response to the quantity of icons in said designated areas so that the icons may be displayed within the designated area, citing column 18, lines 29-36 and Figure 2. Applicant carefully urges the Examiner to consider that there are no icons depicted within Figure 2. As expressly described within *Sheldon et al.* at column 7, lines 29 et seq., Figure 2 illustrates a deskbar site 100, a deskbar 10, a bandsite 120 and deskbands 130. Each deskband may comprise a portion of the display utilized to depict a toolbar within the deskband, and the Examiner's attention is invited to Figures 8A-8E for an illustration thereof. Specifically, Figure 8E is described as including a deskbar 310 which includes multiple deskbands, namely, "the quick launch toolbar 630, the control panel toolbar 500, the links toolbar 610, the desktop toolbar 620, and the address toolbar 600." It should therefore be apparent to those having ordinary skill in the art that deskbands and toolbars are utilized interchangeably within *Sheldon et al.*, and that neither of these elements constitutes an "icon" as that term is utilized by one having ordinary skill in the art.

Further support for Applicant's position with respect to this definition can be found in the description of Figures 6 and 7 within *Sheldon et al.*, wherein icons are separately and distinctly described. Further, beginning at column 15, lines 61 et seq., *Sheldon et al.* specifically describes the manner in which icons are resized. Notably, icons 505 may be displayed utilizing a large option 516a or a small option 516b. These options are electable by the user and, in the opinion of the Applicant, fail to show or suggest the automatic scaling of icons in response to a

determination of the quantity of icons and the designated area, as expressly recited in the claims of the present application.

It is well settled in the law that a reference which teaches a technique which is clearly opposite of that set forth within the claims of an application cannot be said to anticipate, show or suggest the invention claimed within that application and, Applicant respectfully urges Examiner to reconsider his position as the Applicant does not believe that this rejection is well founded.

In summary, despite the Examiner's position that Figure 12 in fact shows resizing of icons, *Sheldon et al.* is quite explicit in that it is the deskbar that is resized and icons are rearranged. Applicant urges that the Examiner cannot simply substitute resizing for rearrangement, as *Sheldon et al.* has specifically chosen this language to distinguish between the two activities which take place with respect to those figures. Namely, the deskbar is resized and as a result of the deskbar being resized, icons are "rearranged." In view of the distinctly different language chosen by *Sheldon et al.* to describe this feature and the express teaching within *Sheldon et al.* that icons may be selected utilizing either a large view or a small view, as noted above, applicant urges that the Examiner's rejection is not well founded and once again respectfully requests withdrawal of that rejection and passage of this application to issue.

No extension of time is believed to be necessary. However, in the event an extension of time is required, that extension of time is hereby requested. Please charge any fee associated with an extension of time to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,



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